United Nations CRC/C/LSO/CO/2

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the second periodic report of Lesotho*

I. Introduction

1. The Committee considered the second periodic report of Lesotho (CRC/C/LSO/2) at its 2294th and 2295th meetings (see CRC/C/SR.2294 and CRC/C/SR.2295), held on 22 and 23 May 2018, and adopted the present concluding observations at its 2310th meeting, held on 1 June 2018.

2. The Committee welcomes the submission of the second periodic report of the State party and the written replies to the list of issues (CRC/C/LSO/Q/2/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the legislative, institutional and policy measures adopted to implement the Convention, such as the Children's Protection and Welfare Act (2011), the Education Act (2010) and the Anti-Trafficking in Persons Act (2010).

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

4. **The Committee recommends that the State party take all measures necessary to address its previous recommendations of 2001 (see CRC/C/15/Add.147) that have not been implemented or have not been sufficiently implemented, in particular, those related to independent monitoring (para. 14), budget allocation (para. 18), dissemination, awareness-raising and training (para. 22), non-discrimination (para. 26) and the best interests of the child (para. 28).**

* Adopted by the Committee at its seventy-eighth session (14 May–1 June 2018).

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Legislation

5. The Committee notes the legislative measures taken to implement the Convention, namely the adoption of the Anti-Trafficking in Persons Act, the Education Act and the comprehensive Child Protection and Welfare Act(CPWA), as well as the ongoing law reform process that included a review of CPWA as part of the draft CPWA Amendment Bill (2018). However, the Committee is concerned that:

(a) There are still no regulations for the implementation of CPWA;

(b) There has been limited consultation with stakeholders and children regarding the drafting of the CPWA Amendment Bill.

6. **The Committee recommends that the State party:**

(a) **Put into place structures, mechanisms and/or systems to institutionalize the effective implementation of the Convention through related national laws and policies;**

(b) **Adopt the CPWA Amendment Bill through a consultative and participatory process involving civil society organizations and children, along with regulations for the implementation of CPWA and allocate adequate human and financial resources for its implementation.**

Comprehensive policy and strategy

7. The Committee notes the Multisectoral Child Protection Strategy (2014–2018) and the review of the expired National Strategic Plan for Orphans and Vulnerable Children (NSPVC) (2012–2017). However, the Committee is concerned that several policies and frameworks have expired already and that none of them have yet to be renewed.

8. **The Committee recommends that the State party evaluate the expired child-related policies and adopt renewed policies, such as NSPVC, on the basis of the evaluations, and allocate appropriate human, technical and financial resources for their implementation.**

Coordination

9. The Committee notes the establishment of the Directorate of Child Protection Services and the National Orphaned and Vulnerable Children Coordinating Committee. However, it is concerned that there is no formal or statutory coordinating mechanism for all children's issues under the Convention. It is also concerned that 4 out of 9 positions on the Coordinating Committee were vacant owing to budgetary constraints.

10. **The Committee recommends that the State party establish a formal or statutory coordinating system that is integrated, cost-effective and affordable, as well as an evaluation and monitoring mechanism, for all children and all areas of the Convention, and allocate the human, technical and financial resources necessary for its effective operation, including through filling the vacant posts.**

Allocation of resources

11. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recalls the relevant recommendation set out in its concluding observations in 2001 (see CRC/C/15/Add.147, para. 18) and recommends that the State party in planning its future budgets:**

(a) **Increase budgetary resources specifically allocated for children to the maximum extent possible in accordance with article 4 of the Convention;**

(b) **Strengthen efforts to improve the efficiency of resource usage and the timeliness of resource distribution in all sectors, in particular in health and education;**

(c) **Taking note of target 16.5 of the Sustainable Development Goals, on substantially reducing corruption and bribery in all their forms, take immediate**

measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption.

Data collection

12. The Committee notes the establishment of the National Information System for Social Assistance (NISSA) and that the State party is developing child-sensitive indicators. However, it is concerned that NISSA covers only about 75 per cent of the State party, leaving out mostly rural areas, and as such cannot be used to inform the State party's social programmes affecting children.

13. **With reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party expand NISSA so that it fully covers the territory of the State party, in particular the rural and mountainous areas, and ensure that data on children are disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status for all areas covered by the Convention. The Committee recommends that technical assistance be sought from the United Nations Children's Fund (UNICEF) to ensure the development of child-sensitive indicators for all areas covered by the Convention and that the data collected are used to inform all programmes affecting children.**

Independent monitoring

14. **The Committee continues to be concerned about the State party remaining without a national human rights institution and recommends that the State party establish a human rights commission and involve civil society organizations in this process, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), and provide for the appointment of a commissioner to that human rights commission who has expertise in and is specifically responsible for children's rights. The human rights commission should be able to receive, investigate and address complaints by children in a child-sensitive manner.**

Dissemination, awareness-raising activities and training

15. **While noting that some advocacy work is being done to disseminate, raise awareness and provide training on the Convention, the Committee recommends that the State party:**

(a) **Provide systematic training to parents and all professionals working with and for children;**

(b) **Strengthen community awareness programmes, including campaigns, and other efforts to ensure that the provisions and principles of the Convention are widely recognized and understood in local languages, and make sure that children, parents, communities and religious leaders play a key role in such initiatives;**

(c) **Engage with communities and parents in discussion on children's rights, in particular on issues such as gender, child marriage and child labour.**

B. Definition of the child (art. 1)

16. The Committee welcomes the ongoing law reform process to harmonize the definition of the child in all child-related legislation to bring it in line with the Convention, and to prohibit child marriage without exception, including by repealing the section of the Marriage Act (1974) that allows girls to marry at the age of 16.

17. **The Committee recommends that the State party expedite the law reform process to achieve a unified definition of the child and the prohibition of child marriage.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

18. **The Committee recalls its previous concluding observations (para. 26) and recommends that the State party take more active measures to end all forms of discrimination against children, with special attention to discrimination against girls and their right to inheritance, as well as to access to education and to basic services, in particular for children living in rural areas, herd boys and girls, children with disabilities and albinism, children with HIV/AIDS, children born to unmarried parents and ethnic minorities.**

Best interests of the child

19. **While welcoming that the principle of the best interests of the child is incorporated into national legislation, including CPWA, and with reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children, including alternative care and adoption procedures.**

Right to life

20. The Committee is seriously concerned at the reports of killings of children involving the mutilation of body parts for the purpose of using the body parts medicinally.

21. **The Committee urges that the State party take immediate measures to prevent killings of children involving the mutilation of body parts, through raising community awareness, investigating all cases and bringing the perpetrators to justice.**

Respect for the views of the child

22. The Committee welcomes that the State party provided a budget for the Children's Parliament for the year 2018/19. However, the Committee is concerned that the participation of children is still limited by cultural practices and that, despite legal protection, children's opinions are not always taken into account in children's courts.

23. **With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party ensure continuous funding and support for the Children's Parliament as a platform for the meaningful participation of children. The State party should also ensure that children's views are given due consideration in the family, in the community, at schools, and in all legal and administrative decision-making process relevant to them, in particular in court proceedings concerning them, through awareness-raising activities at both the national and community levels on the participation of children and through the training of associated professionals.**

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration and nationality

24. The Committee notes the creation of one-stop shops that provide birth registration services and the provision of space for birth registration in community council facilities since March 2018, mobile registration and citizenship centres, as well as the efforts of the Government jointly with other stakeholders to increase awareness of birth registration. However, the Committee remains concerned about:

(a) Low levels of birth registration, in particular in rural areas, and difficulties and delays in registration owing to registration services at times not being available in easily accessible locations;

(b) Penalties for late registration;

(c) Foundlings, who appear to have been born in the State party, not being provided with citizenship even if they would otherwise be stateless;

(d) Discriminatory provisions in law, including in the Constitution and under the Citizenship Order (1971), against Basotho citizens born abroad and Basotho women that could undermine the child's right to acquire nationality without discrimination;

(e) Citizenship applications being restricted to stateless persons who are over 18 years of age and lawfully in the country;

(f) The absence of data on stateless children.

25. **Taking note of target 16.9 of the Sustainable Development Goals, on providing legal identity for all, including birth registration, the Committee recommends that the State party:**

(a) **Strengthen the use of mobile birth registration teams to cover remote communities and extend the birth registration process to hospitals throughout the country;**

(b) **Strengthen its efforts to implement birth registration procedures immediately after birth and ensure the issuance of birth certificates, in particular at the community level;**

(c) **Remove penalties for late birth registration;**

(d) **Adopt legislative measures to prevent discriminatory rules, and provide safeguards in respect of the right to acquire nationality for all children in the State party, including foundlings, who would otherwise be stateless;**

(e) **Collect data on stateless children in the State party;**

(f) **Launch extensive awareness-raising programmes about the importance of birth registration and registration processes;**

(g) **Seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF, among others, in the implementation of these recommendations.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

26. The Committee notes that corporal punishment is prohibited by law in schools. However, the Committee is seriously concerned that corporal punishment is not explicitly prohibited by law at home, in alternative care settings, day care or penal institutions, and that it continues to be used at school despite its prohibition.

27. **With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) **Explicitly prohibit corporal punishment in all settings by law;**

(b) **Effectively enforce the prohibition of corporal punishment in schools and provide children with a complaints mechanism in schools so that they can safely and confidentially report cases of corporal punishment;**

(c) **Provide programmes for parents, teachers and professionals who work with and for children to encourage the use of alternative, non-violent forms of**

discipline, and strengthen related teacher training in particular and ensure that it is part of pre- and in-service training programmes;

(d) **Strengthen public awareness-raising programmes to promote a change in mindset.**

Abuse, neglect and sexual exploitation and abuse

28. While welcoming the establishment of child and gender protection units (CGPUs) in police stations, the Committee is seriously concerned about:

(a) The reportedly high level of abuse of children, including domestic violence and sexual exploitation and abuse, and the insufficiency of measures, mechanisms and resources to prevent and combat violence against children;

(b) Insufficient human, material and logistical resources for CGPUs, the lack of training for CGPU officials in gender and child-related matters, and the regular transfer of trained officials out of those units;

(c) Insufficient awareness among children of their right to be protected from violence and of where to report acts of violence against them;

(d) Inadequate structures in place to support child victims of violence, such as shelters and counselling, and inadequate rehabilitation and reintegration procedures for child victims of crimes or child witnesses involved in court proceedings;

(e) Lack of comprehensive data on children suffering from ill-treatment, abuse and neglect, domestic violence and sexual abuse.

29. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals, on ending abuse, exploitation, trafficking and all forms of violence and torture of children, the Committee urges the State party to:**

(a) **Take all measures necessary to prevent and combat the abuse of children, including domestic violence and sexual exploitation and abuse;**

(b) **Encourage community-based programmes aimed at preventing and tackling child abuse, including domestic violence and sexual exploitation and abuse;**

(c) **Provide adequate human and financial resources to CGPUs, step up the training of CGPU officials in gender and child-related matters, and strengthen their capacity to collect and record comprehensive and well-disaggregated data on violence against children;**

(d) **Ensure that there are effective mechanisms, procedures and guidelines in place for reporting cases of sexual exploitation and abuse, consider mandatory reporting in certain cases, and ensure accessible, child-friendly and effective reporting channels for all violations;**

(e) **Take all measures necessary to investigate reported cases of sexual exploitation and abuse and to prosecute and bring the perpetrators to justice;**

(f) **Ensure that child victims of violence receive counselling and psychological, recovery and reintegration services, and provide adequate resources to shelters for child victims;**

(g) **Provide alternative care for child victims where necessary and support non-governmental organizations (NGOs) that provide such services;**

(h) **Establish a national database on all cases of violence against children, including those involving corporal punishment, ill-treatment, child abuse and neglect, domestic violence and sexual exploitation and abuse.**

Gender-based violence

30. The Committee is seriously concerned at the reportedly increasing sexual abuse of school girls and girls engaged in domestic work. It is also concerned at the risk of physical

and sexual violence that children, and girls in particular, are exposed to when collecting water, bathing or using toilets at night.

31. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 5.2 of the Sustainable Development Goals, on eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, the Committee urges the State party to:**

(a) **Take all measures necessary to prevent and combat the sexual abuse of school girls and girls engaged in domestic work;**

(b) **Ensure that all allegations of crimes related to gender-based violence are independently and thoroughly investigated and that perpetrators are brought to justice;**

(c) **Include the specific needs of girls in measures regarding access to and use of water, sanitation and hygiene facilities and services in order to prevent sexual violence when collecting water, bathing or using toilets at night.**

Harmful practices

32. The Committee is concerned about the high prevalence of child marriage.

33. **With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee urges the State party to take active measures to put an end to child marriage, including marriages under customary law.**

Helplines

34. **The Committee recommends that the State party establish a free 24-hour helpline at the national level that is available to all children and provide sufficient resources for its effective operation.**

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Children deprived of a family environment

35. The Committee notes the adoption of policies and guidelines, including the Standards of Care for Residential Care Facilities (2011), the Foster Care and Adoption Policy (2012), and the policy on the establishment of safe houses and shelters for abused children. However, the Committee is concerned that:

(a) Many orphans live in informal kinship care without legal recognition;

(b) The State party relies on NGO/privately-run childcare services and facilities that are inadequately supported and monitored;

(c) Many children are placed in alternative care facilities without court orders, despite the legal requirement to do so;

(d) There is inadequate data on children in informal foster care and residential care.

36. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party:**

(a) **Establish a system for recognizing informal kinship care that does not overburden the formal system, by ensuring strengthened community-based care and protection services;**

(b) **Provide sufficient financial and other support to existing NGO/privately-run alternative care centres for children, and ensure registration and quality assurance by requiring compliance with prescribed minimum standards;**

(c) **Ensure that the placement of children in alternative care centres is done only by court order;**

(d) **Establish and maintain a comprehensive and functional database on the number of children in alternative care centres and in kinship care;**

(e) **Seek technical assistance in implementing these recommendations through regional and international cooperation.**

Adoption

37. The Committee notes that the draft CPWA Amendment Bill (2018) provides for the establishment of an adoption agency and a central authority to address inter-country adoptions. However, it is seriously concerned that:

(a) The Central Adoption Authority is not yet appropriately staffed and functioning;

(b) The Adoption Policy of 2012 is not applied in practice;

(c) The Ministry of Social Development is not able to keep records of adoption cases owing to capacity challenges;

(d) The adoption processes take a long time and without the involvement of a well-established adoption authority.

38. **The Committee urges the State party to:**

(a) **Provide adequate human, financial and technical resources to the Central Adoption Authority and the Adoption Unit of the Ministry of Social Development to effectively carry out its mandate, and ensure that the best interests of the child are always taken into account;**

(b) **Implement and monitor the implementation of the Adoption Policy of 2012;**

(c) **Provide adequate resources and capacity-building to the Ministry of Social Development to effectively maintain the records of adoption cases;**

(d) **Avoid unreasonable delays in the adoption process and with established adoption authority;**

(e) **Raise awareness of adoption and encourage domestic adoption.**

Children in prison with their mothers

39. The Committee is concerned that the best interests of children are not taken into consideration during the sentencing of caregivers, and that prisons lack appropriate facilities for nursing mothers.

40. **The Committee recommends that the State party encourage courts to give primary consideration to the best interests of children when sentencing their caregivers, by using community-based sentencing where possible, and provide appropriate and adequate services and facilities in prisons for the children of incarcerated mothers, including appropriate nutrition, health care, hygiene and accommodation.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)

Children with disabilities

41. The Committee notes the adoption of the Policy on Disability (2016) and the Disability Equity Bill (2018), and that in accordance with the Constitution, under the principles of State policy, the Government should provide for the needs of persons with disabilities. However, the Committee is seriously concerned at:

(a) The fact that the National Disability Bill has been awaiting adoption since 2011 and that there is no strategy for the inclusion of children with disabilities;

(b) Limited access to community-based rehabilitation, early identification and referral programmes for children with disabilities and the inadequate support and resources for service providers and families of children with disabilities;

(c) Stigmatization of children with disabilities owing to societal and cultural attitudes;

(d) Limited access to transportation, schools, health care, public spaces and service delivery in all areas, especially in rural communities;

(e) Inadequate social assistance provided to children with disabilities;

(f) The scarcity of documents and information in Braille;

(g) The absence of disaggregated data on children with disabilities by type of disability, age and gender.

42. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities, and taking note of Sustainable Development Goals 4, 9, 10 and 11, the Committee urges the State party to:**

(a) **Adopt a human rights-based approach to disability;**

(b) **Strengthen the legislative framework by reviewing and adopting the National Disability Bill and enforcing the implementation of the Policy on Disability;**

(c) **Set up a comprehensive strategy for the inclusion of children with disabilities;**

(d) **Increase financial, human and technical resources for children with disabilities and expand community-based rehabilitation, early identification and referral programmes for children with disabilities and provide the necessary human, technical and financial support to service providers and families of children with disabilities;**

(e) **Develop and support community campaigns and programmes to address discrimination and stigma against children with disabilities and create awareness of early detection and interventions;**

(f) **Improve access to transportation, schools, health care, public spaces/buildings and service delivery in all areas, especially in rural communities;**

(g) **Provide access to documents and information in Braille;**

(h) **Undertake measures to improve the collection and analysis of disaggregated data on children with disabilities with a view to informing law, policy and practice.**

Health and health services

43. The Committee welcomes the Infant and Young Child Breastfeeding Policy, the Reproductive, Maternal, New-born and Care Strategy (2018–2022), the establishment of a paediatric unit, efforts to reduce medicine stock-outs, including the development of the National Supply Chain Strategic Plan, as well as the measures to absorb the costs associated

with medical exemptions for vulnerable groups, especially children. However, the Committee is concerned at:

(a) The high infant, under-five and child mortality rates owing to preventable causes such as high rates of malnutrition, food insecurity and rickets, acute respiratory illness, fever and diarrhoea;

(b) Limited funding, inadequate childcare facilities, an insufficient number of well-trained health workers for children and pregnant women, and poor access to health-care services, in particular in rural areas, which all present significant barriers to the improvement of children's health;

(c) The low level of vaccination coverage;

(d) Weak drug and health system management, in particular at the local level, and the shortages of drugs and medical supplies;

(e) The need to increase the prevalence of exclusive breastfeeding in the first six months of the child's life.

44. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and taking note of target 3.3 of the Sustainable Development Goals, on ending epidemics of AIDS and malaria and combating hepatitis and other communicable diseases, the Committee recommends that the State party:**

(a) **Take measures, such as rolling out a specific programme for the management of childhood illnesses, to reduce infant, under-five and child mortality owing to preventable causes such as high rates of malnutrition, food insecurity and rickets, acute respiratory illness, fever and diarrhoea;**

(b) **Expand sustainable nutrition and food security programmes to benefit children under five and also roll out "nutrition corner" programmes to all districts in the State party;**

(c) **Strengthen its efforts to improve access to basic health-care services for all children, in particular in rural areas, scale up capacity-building programmes for health workers who work with children and pregnant women and provide more resources to mobile clinics so that they are more frequently available and reach a wider population;**

(d) **Scale up investment in immunization in rural areas and provide sufficient investment in suitable technologies and human resource capacities for immunization services;**

(e) **Further improve drug and health-system management, along with evaluation and monitoring, with special attention to remote areas, to address shortages of drugs and medical supplies;**

(f) **Continue to encourage breast-feeding, including by establishing baby-friendly hospitals throughout the State party, and fully implement the International Code of Marketing of Breast-milk Substitutes.**

Mental health

45. The Committee is concerned that there is no mental health policy in the State party and that information on mental health services for children has not been made available by the State party.

46. **The Committee recommends that the State party adopt a mental health policy specifically providing for the treatment of children with mental health issues. It also recommends that the State party take all measures necessary to provide sufficient financial and human resources for the mental health of children, including through international cooperation.**

Adolescent health

47. The Committee notes the Sexual and Reproductive Health Policy and Strategic Plan (2010), the Reproductive Health Commodity Supply Strategic Plan, which emphasized the provision of sexual and reproductive health information to adolescents, and the Minimum Standards and Implementation Guide for Adolescent Friendly Services (2014). However, the Committee is concerned about:

(a) The high rate of teenage pregnancies and sexually-transmitted infections;

(b) Limited access to sexual and reproductive health information and services, especially in rural areas, and the limited use of condoms.

48. With reference to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention and its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:

(a) Provide sufficient funding and resources for the implementation in respect of adolescents of the Sexual and Reproductive Health Policy and Strategic Plan and the Reproductive Health Commodity Supply Strategic Plan, paying attention to all aspects of prevention, including in relation to sexually transmitted infections and early pregnancy;

(b) Ensure that access to sexual and reproductive health information and education is available country-wide, with special attention to preventing early pregnancy and sexually transmitted infections;

(c) Improve adolescent access to reproductive health care, contraception, including condoms, and related services and increase support for reproductive health and family planning services, especially in rural areas.

HIV/AIDS

49. The Committee is seriously concerned at the high prevalence of HIV/AIDS, the expiration of the National HIV Prevention Strategy (2012–2016), and limited access to basic HIV services and anti-retroviral treatment and to HIV/AIDS, sexual and reproductive health services and education, including in relation to the use of condoms.

50. With reference to its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, and taking note of the additional information provided during the constructive dialogue, the Committee recommends that the State party:

(a) Adopt a new national HIV prevention strategy that is informed by the previous one and take measures to strengthen the implementation of the Option B+ recommendations of the World Health Organization;

(b) Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive education, including on the use of condoms.

Standard of living

51. The Committee is concerned at the limited access to water and sanitation for children, especially in rural areas.

52. The Committee draws attention to target 1.3 of the Sustainable Development Goals, on implementing nationally appropriate social protection systems and measures for all, and recommends that the State party expand coverage to reach groups in disadvantaged situations that currently do not have improved access to water and sanitation, especially in rural and remote communities, in health-care facilities and in schools, including early childhood care and education centres.

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

53. The Committee welcomes the Education Act (2010), which made primary education free and compulsory for learners 6 to 13 years of age for a duration of 10 years; initiatives such as the Orphans and Vulnerable Children Bursary Programme, free meals in pre-primary and primary schools and the National Policy on Integrated Early Childhood Care and Development (2013); and the increases in the availability of preschool places and in the number of primary and secondary schools. However, the Committee is concerned at:

(a) The hidden costs of public primary education, such as for transportation and lunches, in particular in rural areas, and high school fees for secondary education;

(b) Low enrolment rates in secondary school, for boys in particular, especially in rural areas;

(c) Poor school infrastructure, overcrowding, lack of certified teachers and the long distances students must travel to attend school;

(d) Disparities between urban and rural areas in the quality of and access to education;

(e) Pregnant teenagers and adolescent mothers being expelled from school as a form of discipline and being barred from returning after childbirth;

(f) Limited access for children with disabilities to inclusive education, in particular at the secondary level, owing to the lack of assistive devices and well-trained specialized teachers;

(g) Insufficient integration of environmental awareness into the school curriculum.

54. **With reference to its general comment No. 1 (2001) on the aims of education, and taking note of target 4.1 of the Sustainable Development Goals, on ensuring that all girls and boys complete free, equitable and quality primary and secondary education, and target 4.2, on having access to quality early childhood development, care and pre-primary education, the Committee recommends that the State party:**

(a) **Review the implementation of its free and compulsory primary education programme to identify and address the challenges therein;**

(b) **Address the hidden costs of education, in particular in rural areas, and provide sufficient budget funding to the education sector;**

(c) **Identify factors contributing to low enrolment rates at the secondary education level, of boys in particular, and take effective measures to increase children's enrolment in and access to secondary school, including by expanding subsidy schemes to cover the fees for disadvantaged children;**

(d) **Provide sufficient resources to improve school infrastructure, increase the number of certified teachers and provide transportation to schools;**

(e) **Adopt effective measures to improve the access of children to quality education;**

(f) **Address the high number of dropouts among girls owing to pregnancy and ensure that pregnant girls and adolescent mothers are supported and assisted in continuing their education;**

(g) **Undertake measures, including through international cooperation, to provide assistive devices, in particular in secondary schools, to train a sufficient number of specialist teachers and professionals to provide individualized support, and to ensure that professionals are adequately trained, so that children with all forms of disabilities can effectively enjoy their right to high-quality inclusive education;**

(h) **Undertake measures to increase the knowledge of teachers and educators regarding environmental issues and climate change and to integrate environment and climate change issues into the national curriculum.**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Economic exploitation, including child labour

55. The Committee notes the special action programme for the elimination of the worst forms of child labour (APEC) and the establishment of a child labour unit that is responsible for addressing child labour issues in the country. However, the Committee is concerned that:

(a) The implementation of APEC has been slow owing to a lack of adequate resources, and that children are still exposed to the worst forms of child labour, such as herding, domestic work and sexual exploitation;

(b) The Minimum Employment Guidelines for Shepherds/Herdboys (2014) have not been widely disseminated;

(c) Child labour negatively affects schooling and leisure time, in particular for children in rural areas;

(d) There is no statistical data on children involved in child labour.

56. **The Committee recommends that the State party:**

(a) **Provide sufficient resources to fully implement APEC and address in particular the exploitation of children for herding, domestic work and sexual exploitation, and conduct a study on the worst forms of child labour;**

(b) **Widely disseminate the Minimum Employment Guidelines for Shepherds/Herdboys (2014) and undertake awareness-raising programmes, including campaigns;**

(c) **Raise awareness among parents on the importance of education and provide financial support for children in the most disadvantaged situations;**

(d) **Collect data on children involved in different types of child labour and establish a child-specific complaints mechanism that can receive, monitor and investigate reports on cases of child exploitation, and raise awareness among children of the mechanism.**

Children in street situations

57. The Committee is concerned that orphanhood and the breakdown of extended families have increased the number of children living in street situations, and that there are neither specific policies regarding children in street situations nor specialized personnel working with such children.

58. **With reference to its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party:**

(a) **Collect data on children in street situations and use that data to develop and inform a specific policy and plan of action to address the situation;**

(b) **Provide professional support, in particular personnel with specialized skills in psychology and social work, to the organizations working with children in street situations;**

(c) **Ensure that support for family reintegration or placement in alternative care is provided with full respect for the child's best interests and giving due weight to their autonomous views, in accordance with their age and maturity.**

Administration of juvenile justice

59. The Committee notes the establishment of children's courts in 2011. However, the Committee is seriously concerned that:

(a) The juvenile justice system is not effective;

(b) The minimum age of criminal responsibility is set at the very low age of 10;

(c) Not all children's courts have an appropriately child-friendly infrastructure, and magistrates are not adequately equipped with victim support units;

(d) CGPUs have no capacity to perform their duties;

(e) The residential facilities envisaged by CPWA are not available owing to financial constraints, and there is only one juvenile training centre, which is no longer habitable;

(f) There are no separate holding cells for children in police stations;

(g) Free legal representation is not available in every case.

60. **With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully in line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:**

(a) **Implement CPWA in relation to the provision of restorative justice and diversion, and ensure that children under the age of 18 are accorded the safeguards provided for therein;**

(b) **Raise the minimum age of criminal responsibility to an acceptable level in accordance with international standards;**

(c) **Provide sufficient financial resources for the establishment of appropriate child-friendly infrastructure for children's courts and for village child justice committees in all districts;**

(d) **Make sure that all children appearing in court are dealt with in children's courts, through specialized procedures and with appropriately trained magistrates;**

(e) **Provide resources for capacity-building for CGPUs;**

(f) **Make sure that children are kept separately from adults in police stations;**

(g) **Provide free, qualified and independent legal aid to all children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**

(h) **Promote non-judicial measures in the case of children accused of criminal offences, by expanding the re-education programme to include diversion, mediation and counselling, and by using non-custodial measures at sentencing such as probation or community service whenever possible;**

(i) **Avoid over-reliance on residential facilities such as probation hostels and approved schools; ensure that such existing establishments are child-friendly facilities that promote reintegration and that they are used as a measure of last resort and for the shortest possible period of time, and that there are opportunities for early release.**

J. Ratification of the Optional Protocol on a communications procedure

61. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

K. Ratification of international human rights instruments

62. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:**

(a) **Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;**

(b) **Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

(c) **Individual complaints procedure under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

(d) **Individual complaints procedure under the International Convention for the Protection of All Persons from Enforced Disappearance;**

(e) **Individual complaints procedure under the International Convention on the Elimination of All Forms of Racial Discrimination;**

(f) **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;**

(g) **Individual complaints procedure under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;**

(h) **Optional Protocol to the Convention on the Rights of Persons with Disabilities.**

63. **The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, the reports of which are both overdue as of 24 October 2005.**

L. Cooperation with regional bodies

64. **The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.**

IV. Implementation and reporting

A. Follow-up and dissemination

65. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the second periodic report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.**

B. National mechanism for reporting and follow-up

66. **The Committee recommends that the State party establish a national mechanism for reporting and follow-up, as a standing government structure that is mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms and to coordinate and track national follow-up and implementation of the treaty obligations and recommendations/decisions emanating from these mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff, and should have**

the capacity to systematically consult with the national human rights institution and civil society. In this regard, the State party should seek technical support from the Office of the United Nations High Commissioner for Human Rights for the establishment of the national mechanism for reporting and follow-up.

C. Next report

67. The Committee invites the State party to submit its combined third to seventh periodic reports by 8 April 2024 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

68. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.